

## **Stipulations**

The following facts are agreed to and admitted by both ViSalus and Ms. Wakefield.

1. Plaintiff Lori Wakefield is a citizen of Oregon and a resident of Clackamas County.
2. Defendant ViSalus is a Nevada corporation with a principal place of business in Michigan.
3. ViSalus is a multi-level marketing company, also known as direct selling or network marketing, that sells weight-loss products and dietary supplements. Such products have included at times a variety of “kits”—such as the “Balance Kit,” “Shape-Kit,” “Core Kit,” “Transformation Kit,” and “Challenge Kit,” combining different products depending on customer choice—that customers choose based on what kind of result they’re looking for, from losing weight to building muscle.
4. ViSalus makes money primarily through its “promoters,” independent contractors who sell ViSalus products through their own business networks.
5. ViSalus supports and incentivizes promoters by building value in its products, opportunities and company, providing training and workshops, creating collateral marketing materials to help promoters sell the products, and offering enticing rewards for the highest-ranking promoters.

6. Promoters must enroll with ViSalus, which requires submitting a promoter application either online (through ViSalus's website) or in print (and that information is manually entered into ViSalus's computer system). Consumers may purchase products directly from ViSalus by submitting a purchase form either through ViSalus's website or on a print form.

7. Whether submitted online or in print, the promoter applications are identical and the process for enrollment has been the same since 2011.

8. All active ViSalus promoters have access to an online "Vi-Net" account (provided they pay the fee for a Vi-Net account).

9. ViSalus also maintains an internal online database—the "Exigo" system—which keeps live records of the information on individuals' Vi-Net accounts.

10. In June or July 2012, ViSalus created and employed a team of outbound calling agents collectively referred to within the company as "Outbound Support."

11. Although the original purpose of Outbound Support was to contact people who had attempted to purchase products but whose credit cards were declined, the agents eventually began to call customers to inform them of various marketing campaigns.

12. While these campaigns varied in topic, the calls were made for the same general purpose: to retain customers and generate revenue for ViSalus.

13. The Outbound Support team initially dialed telephone numbers manually using an Avaya telephone system. However, sometime in or around 2013 or 2014, ViSalus updated its Avaya system with a feature called the Proactive Outreach Manager (“POM”), which enabled it to place autodialed and agentless calls. ViSalus stopped conducting manually dialed mass-calling marketing campaigns once it had POM.

14. In 2013, ViSalus began downsizing the company, reducing its overall number of employees.

15. ViSalus placed calls through POM using a systematic two-step process: first, ViSalus created a contact list for the campaign, utilizing information from the Exigo system such as whether a customer had become “inactive;” then, an Outbound Support agent uploaded the contact list to POM and assigned it to run with the appropriate campaign.

16. Once the contact list was uploaded to POM, the Outbound Support team could begin placing calls with the click of a button. Ex. A, Composite of POM Instructions (explaining that once you “[c]lick on the play button” all the caller would have to do is “verify Campaign in running”).

17. With POM, ViSalus used two campaign strategies: “Press One” calls (where a prerecorded or artificial voice instructed customers to “press [1] to be connected to a live person now”), and “voice casting” calls (where an audio clip played a prerecorded callback message). Ex. B, Excerpts of January 20, 2017 Deposition of Justin Call (“Call Dep.”) at 98:23-24, 72:11-73:15.

18. “Press One” and “voice casting” calls were all placed through POM.

19. ViSalus's process for placing prerecorded calls remained the same until the Outbound Support team was dissolved in January 2016.

20. Ms. Wakefield briefly signed up to be a ViSalus promoter in February 2012.

21. Ms. Wakefield subsequently ended her affiliation with the company.

22. Ms. Wakefield received calls from ViSalus in April 2015, but the exact number of calls received is in dispute.

23. Each call was directed to a landline telephone. Each call was intended to sell ViSalus's products.

24. At least two of the telephone calls may have been from a live person.

25. Two of the telephone calls by ViSalus to the landline for the Wakefield residence in April 2015 may have used a prerecorded message.

26. Ms. Wakefield received at least five calls from ViSalus between March 1, 2015 and May 30, 2015, but the Parties do not agree on whether those calls were from a live person or contained an artificial or prerecorded voice.

27. Ms. Wakefield operated a home daycare for children in April 2015.

28. On April 8, 2015, Ms. Wakefield first contacted plaintiff's counsel Stefan Coleman by email through his website.

# EXHIBIT A

1) Start with an Excel report of the information you need relating to the contacts you want to make. You will want to include headers in the document to sort the information before loading it into Avaya.

These are the headers that you will want to include.

A/S Day, Order Total (\$), Customer/Promoter ID#, Email, Language, First Name, Last Name, Customer Type (uPreferred/promoter), State, Country, Area Code, Phone Number, Time Zone, Troy Offset, Reason

You must be sure to have each of these categories even if you name them something different. Ex: You must have area code and phone number as separate columns. If you put them into one column, Avaya will not recognize the number and it will come back as invalid. The same goes for name. You must have separate columns for first and last name and not one column for both.

You must make sure to go through each column to look for inconsistencies or errors. This will help you later when loading the campaign through Avaya. Also, some errors will prevent you from being able to load the campaign if not fixed in Excel prior to that stage.

Once your spreadsheet is formatted and filtered correctly it is time to save the document.

**THIS IS VERY IMPORTANT**

**Save the document as a “CSV (comma delimited)”**

If you save it any other way, Avaya will not recognize it.

2) Open Avaya Contact Center Manager

Click on “Launchpad” at the top of the screen. Then, click “Outbound.”

On the left side of the page, you will see “CCMM.” Click this to launch the Outbound client.

3) Choose the option on the left side of the screen “Create and Append.” This will open a new screen.

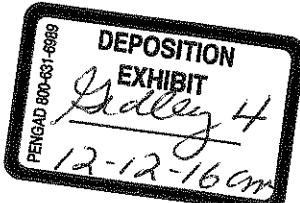
Click on the “Campaign Settings Tab”

Click “Start Configuring New Campaign

This will give you 2 options

- 1) Create new campaign
- 2) Create using previous campaign settings

We use option 2 and then choose the name of a past campaign from which you would like to use the settings for.



4) While still in the “Campaign Settings” tab, give a Name and Description to the campaign.

5) Choose a Campaign Start Date and Time

This will give you 2 options

1) Start Immediately

2) Start at – Date – Time (This option allows you to choose when to start the campaign if you do not want it to start immediately)

6) Call Priority – Set a number to identify the priority of the campaign.

If you are only running 1 campaign, this will not matter. In that case, set the priority to 10, which is the lowest. Otherwise, prioritize as needed.

7) Agent Desktop Script – Choose the appropriate script for your campaign.

8) Click on “Additional Options” (can be found on the right side, middle of the screen

A) Dialer Settings – 3 options

1) Manual Agent Dial

2) Auto Dial Immediately (Progressive)

3) Auto Dial After (Seconds) [insert time] - \*If you choose this option, the time you choose must match a selection you will make in the next selection.

B) Dialer Misc.

1) Enable Minimum Dial Time Seconds - \*This is the number that must match the number from step above.

2) Trunk Access Code – Insert the number that will dial before the area code. Ex. For domestic calls “91”

C) Custom Fields – Make all the fields that were used as headers in the Excel spreadsheet can be found in this list. If not, “Add” them.

D) Misc. Additional Options

1) “Campaign End Date and Time” – Enable if applicable

2) “Campaign Dialing Hours”

Using the drop down box, select “Use Customers Time Zone”

Start Time = 8:00 AM

End Time = 9:00 PM

3) “Disposition Codes”

Put a check in the box to all dispositions you would like to use for your campaign.

9) Click on the “Call Settings” tab at the top of the page

A) Click Import Call Data -> Import Data Source -> Import from Text File -> Next -> Select our Excel File -> Next  
B) Field Delimiter = "Character ,"  
C) Enable Record Selection = YES  
    Start Record = 1  
    End Record = "X" total number of contacts. This number can be found below. "X"  
Records in file (Data Preview Below). Make sure X=X  
D) Click Next

10) Map the File Fields to the OCMT Fields – Here you will drag and drop the Field # to the corresponding OCMT Field. You can use the window below the mapping field to make sure every column has a header.

\*No need to label the field that corresponds with State  
-> Finish  
    >Data in selected rows may not have imported correctly as file format not constant" -> OK

11) You are now back in the "Call Settings" tab. If there are any contacts with a red mark next to them, select "Delete Checked Calls." This is caused by a formatting error in Excel.

12) Click "Skillset Assignment" Tab, found on bottom of screen.

<u>"Attach This Skillset to Rows..."</u>	<u>Where...</u>	<u>This Field is...</u>	<u>Equal to"</u>
Choose the skillset name that		Choose any	Leave Blank
matches the campaign name		empty column	
you will use in Contact Manager		Ex: INTL CODE	

\*Make sure the check the box next to "Only update Empty Rows"

-> Update -> Continue -> OK

13) Time Zone Tab (on bottom)

Check the box next to "Use my time zone." This will run a time zone verification test.

14) Campaign Activation Tab -> Create Campaign

Click "OK" to fix any errors. If any calls fail validation, click "Delete Checked Calls"  
Campaign Activation Tab -> Create Campaign

15) Your campaign is now created and should be loading.

A) Click "Modify Campaign" on the left  
B) Make sure there is a green circle next to the campaign you just created  
C) Pause or cancel other campaigns if needed

# Building a contact list

- 1) Start with an Excel report of the information you need relating to the contacts you want to make. You will want to include headers in the document to sort the information before loading

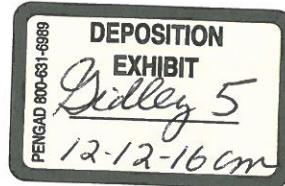
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
1	customerid	FirstName	LastName	Email	Phone	Phone2	MobilePhone	MainCountry																
2	357882	Mihael	Frenzl	lrenzl1stoffwevelkur@gmail.com	1525723112		1525723112	DE																
3	3462295	Jager-Hildegard	Kurz	kurzuma@gmail.com	179145524			DE																
4	366702	Kris	Frageloh	k.fraedel@fargmbh.com	1344791444			DE																
5	366820	Ursula	Lehmann	ulrike.lehmann1@gmx.de	1636161000			DE																
6	367346	Ute	Oppermann	oppermanna@web.de	1507779551		13226479126	DE																
7	367490	Thomas	Soreck	maier-parker@web.de	1726722721			DE																
8	368472	Hein	Ingrida	yasin.kouanane@heimmail.de	40350715425			DE																
9	369170	Theodor	Wolfgang	wolfgang.schaefer@schaefer.com	4.366456411			AT																
10	3701107	Sabine	Wolfgang	wolfgang.schaefer@schaefer.com	3379210002			DE																
11	3703479	Katrin	Thomas	v.winterreisner@aoe.com	248791848		15715307445	DE																
12	3707233	Helmut	Unterweger	helmut113@hotmail.de	15202815432			DE																
13	3712799	Melik	Tomko	Structure@vi	01611311493			DE																
14	3716021	Galina	Savencik	savencikglinia@yahoo.com	7261578201			DE																
15	3716660	Verena	Klaus	pieral3@hotmail.de	1774179648			DE																
16	3733997	Sabine	Nohamm	bim778@gmx.at	6605434661			AT																
17	3746048	Lukas	Schleiberg	Schleiberg@hotmail.de	6616187007			AT																
18	3765264	Jovan	Djokic		6991721744		6991721744	AT																
19	3761393	Stefan	Glicic	steffa_24.11.13@hotmail.com	69910246049			AT																
20	3762305	Marc	Schulte	c_ama_g@hotmail.de	17611164101		17611164101	DE																
21	3762521	Andrea	Manuela	manuela.gloet@gmail.at	4603415342			AT																
22	3763591	Omar	Wobmann	wobmann.moritz.al@live.at	6.7688411			AT																
23	3763596	Bernhard	Maria	b-maria@gmail.com	832618403			AT																
24	3764681	Audolf	Lechner	ruthrauer28@hotmail.com	4.4526111			AT																
25	3765061	Maurice	Dielmeier	Kai.dielmeier@msn.de	1761180252			DE																
26	3768811	Jorg	Nozella	bahn20724@gmail.de	1704376136		1704376136	DE																
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it into POM.

The Headers are very important. The Excel headers or campaign attributes is how POM recognize what's in each cell.

## 2) Correct Header Names and order

When building the contact list your header must appear in the excel spreadsheet as it does in POM. Always lead with the "Id" header or attribute first. "Id" should always appear in cell A1 in your excel spreadsheet. In the "Id" column starting with cell A2 should be the number 1. The "Id" column will list the number of contacts in the list. Depending on what info you want displayed in POM you will need an attribute for it.



	A	B	C	D	E	F
1	<b>ID</b>	CustomerID	FirstName	LastName	Email	phonenumbe phonenumber1ctrycode
2	1	8578812	Michael	Trenzl	frenzl.stoffwechselkun@gmail.com	15352723912 DE
3	2	3667092	Kris	Jager-Haefliger	kofuuma@gmail.de	3346793434 DE
4	3	3667092	Kris	Jager-Haefliger	kofuuma@gmail.de	3346793434 DE
5	4	3648809	Ursula	Lehmann	uhmkeleman1@gmx.de	1614181000 DE
6	5	3671142	Ute	Oppermaier	oppermaier68@gmail.com	3897779581 DE
7	6	3671142	Ute	Oppermaier	oppermaier68@gmail.com	3897779581 DE
8	7	3671142	Ute	Sureck	mler-parketi-ug@web.de	1726722721 DE
9	8	3671142	Ute	Sureck	mler-parketi-ug@web.de	1726722721 DE
10	9	3701107	Sarah	Glosswein	glosswein.sarah@gmail.com	43864751425 AT
11	10	3703479	Karin	Thomas	karin@schaefer-mail.de	13708768425 DE
12	11	3707213	Helmut	Unterkofler	helmut121@hotmail.de	1520351412 DE
13	12	3712799	Melik	Tolmak	Structure@vi	0161151499 DE
14	13	3716021	Galina	Savchenko	savchenkoalisa@yahoo.com	72619793201 DE
15	14	3716660	Verena	Klaus	piero01@hotmail.de	1774178688 DE
16	15	3732397	Sabine	Noburnme bina7678@gmail.at	6605434661 AT	
17	16	3744046	Lukas	schelberg	Schelberger@hotmail.de	6611677007 AT
18	17	3761264	Jovan	Djokic		6991732744 AT
19	18	3761981	Stefan	Gloss	<steff_24.11.93@hotmail.com	69910346849 AT
20	19	3762106	Marc	Schulz	c_arne_1@hotmail.de	17631154105 DE
21	20	3762106	Marc	Schulz	c_arne_1@hotmail.de	17631154105 DE
22	21	3763592	Omar	Mohamed	omar.mohamed.silf@live.at	6611151541 AT
23	22	3763158	Bernhard	Masse	b.masse@gmail.at	6796454680 AT
24	23	3761655	Rudolf	Lechner	rudinra28@hotmail.com	4365425411 AT
25	24	3762663	Maurice	Dietmeir	K.dietmeir@gmail.de	17611802921 DE
26	25	3760813	Jorg	Norekts	behr290776@gmail.de	1704570534 DE
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### 3) phonenumbe phonumber1ctrycode

You have to type out the header as it appears, "phonenumbe phonumber1ctrycode". In the column "phonumber1ctrycode" you want the country code number and not the country letter abbreviation. For a list of Country Codes click the following link <http://countrycode.org/>

A	B	C	D	E	F	G
1	Id	CustomerID	Firstname	Lastname	Email	phonenumerber12tcy049
2	3	3578112	Michael	Frenzl	frenzl.staffwechselkurs@gmail.com	15252729112
3	2	34621956	Jäger-Mac	Hanns	hanns.koflum@gmail.de	17391451204
4	3	3467092	Kris	Fregid	kris01@fragmob.com	33467394304
5	4	34680209	Ursula	Lehmann	ulrikeleemann@gmail.de	1614181000
6	5	3475145	Ute	Oppermaier	oppermannute@gmail.com	390777953
7	6	3479406	Thomas	maier-patent-ug	patent-ug@web.de	1726722721
8	7	3481141	Ulrich	Wittmann	wittmann.ulrich@t-online.de	40150713425
9	8	3499103	Thomas	Grossweiler	reinerperls@gmail.com	43450045411
10	9	3701107	Sarah	Un	aylinbahas@gmail.com	1578891209
11	10	3703479	Katrin	Thomas	Thomas.Werner@midmautz@axi.com	267921846
12	11	3702213	Helmut	Unterwuer	helmut13@hotmail.de	15202815412
13	12	3707799	Melek	Tokmak	structure@v	01611314693
14	13	3716021	Galina	Sevchenko	galina48@yahoo.com	72619743021
15	14	3716600	Verena	Klein	pieren01@hotmail.de	1774179608
16	15	3722997	Sabine	Nohamme	bine7978@gms.at	6605424663
17	16	3746046	Lukas	schilberg	schilberg.schilberg@gmail.de	6641687007
18	17	3761284	Jovan	Djukic		69517212744
19	18	3761993	Stefan	Glier	stefla_24.11.91@hotmail.com	69910346849
20	19	3762036	Marc	Schulz	c_ams_g@hotmail.de	1763116403
21	20	3762181	Andrea	Wittmann	andrea.wittmann@pmx.at	6603413541
22	21	3762180	Omar	Abdullah	omarabdullah@live.at	67483045411
23	22	3763156	Bernhard	Max	b.maus@gmx.at	67483045409
24	23	3763435	Rudolf	Lehrer	rudolf02@hotmail.com	43450045411
25	24	3763661	Maurice	Distimale	Distimale.Karl@meier@gmail.de	17611380382
26	25	3766813	Jörg	Nerkeis	bahr29077@gmail.de	1704578356
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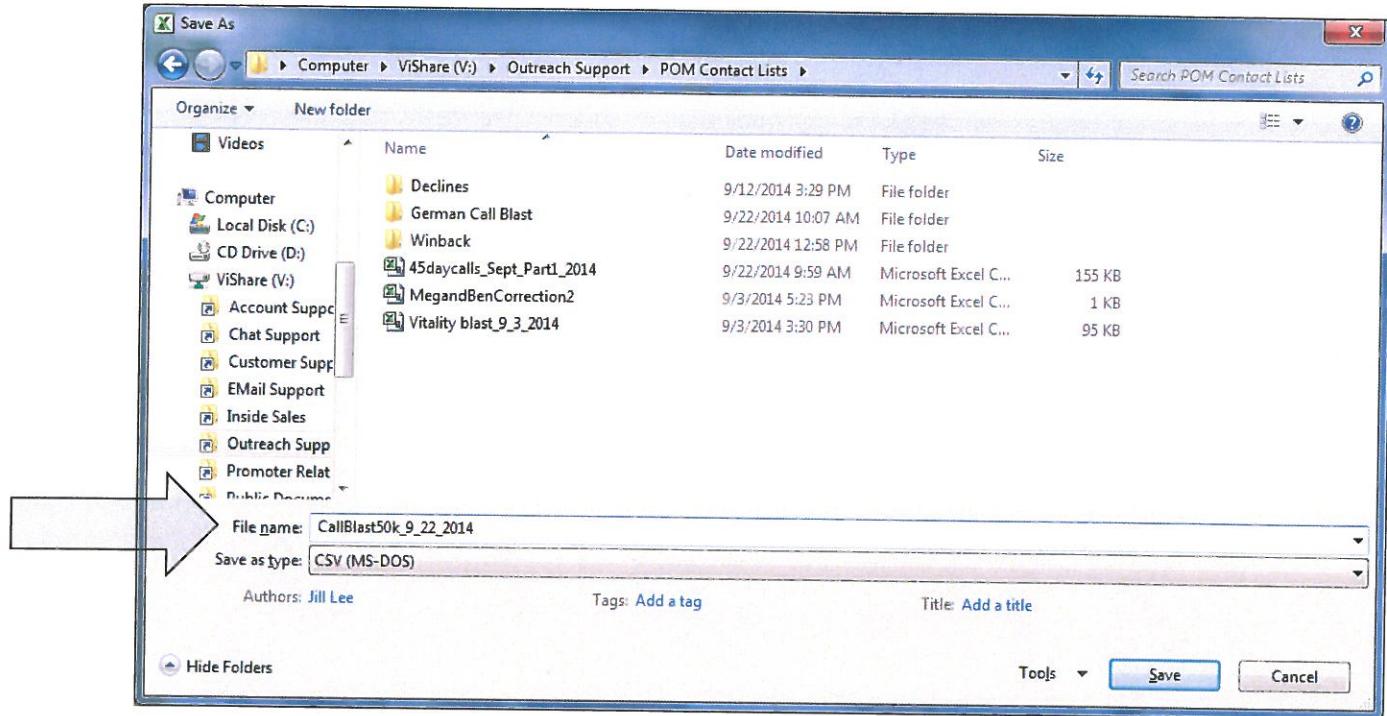
#### 4) Saving the Contact list

After you have edited the contact list to your campaign specification, next step is to save. When saving the campaign, Go to V drive; Outreach Support; POM Contact Lists and click Save As Type: CSV (MS-DOS)

**THIS IS VERY IMPORTANT**

**Save the document as a “CSV (MS-DOS)”**

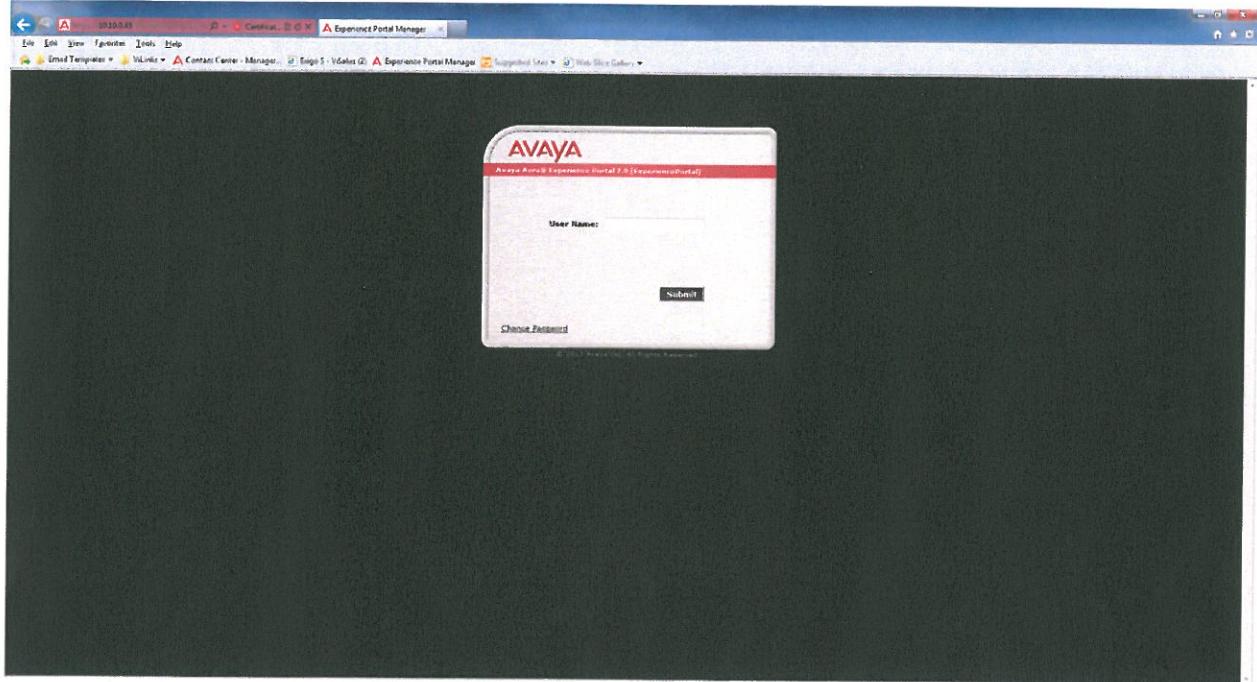
If you save it any other way, POM may not recognize it. Name the contact list after the campaign name, include how many contacts (use K to represent thousands) and date saved in the **File Name**.



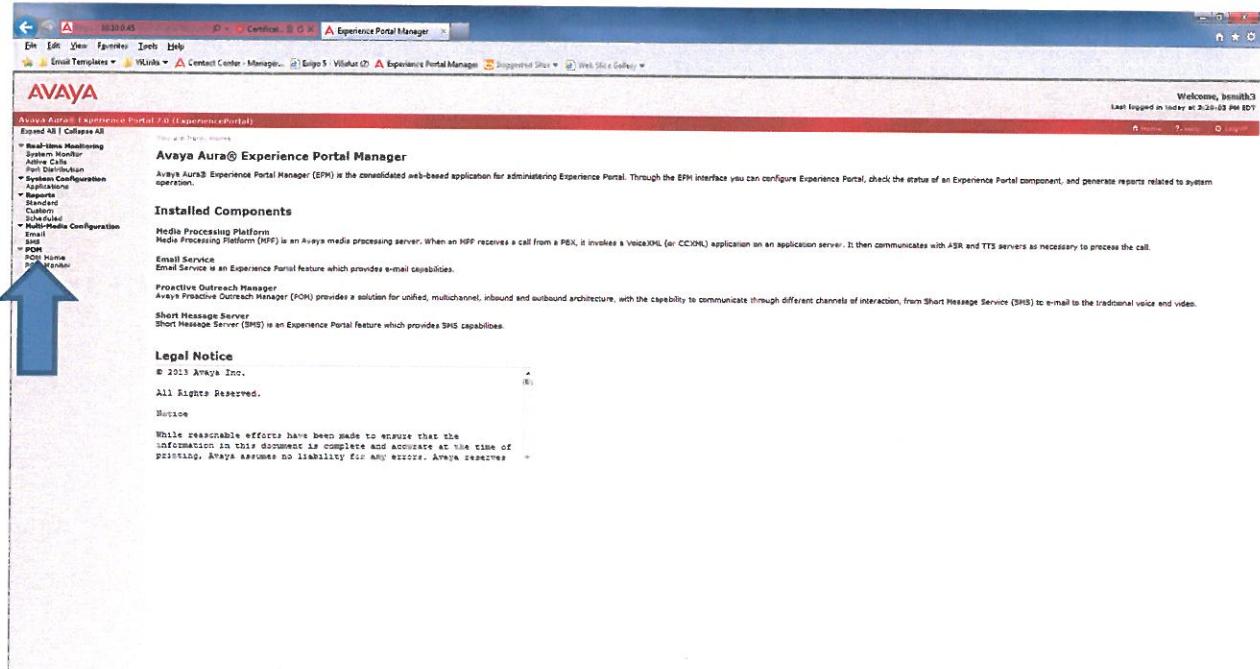
Finally click the **Save** button

## Uploading contact list to POM

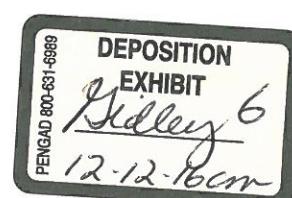
### 1) Log in to POM

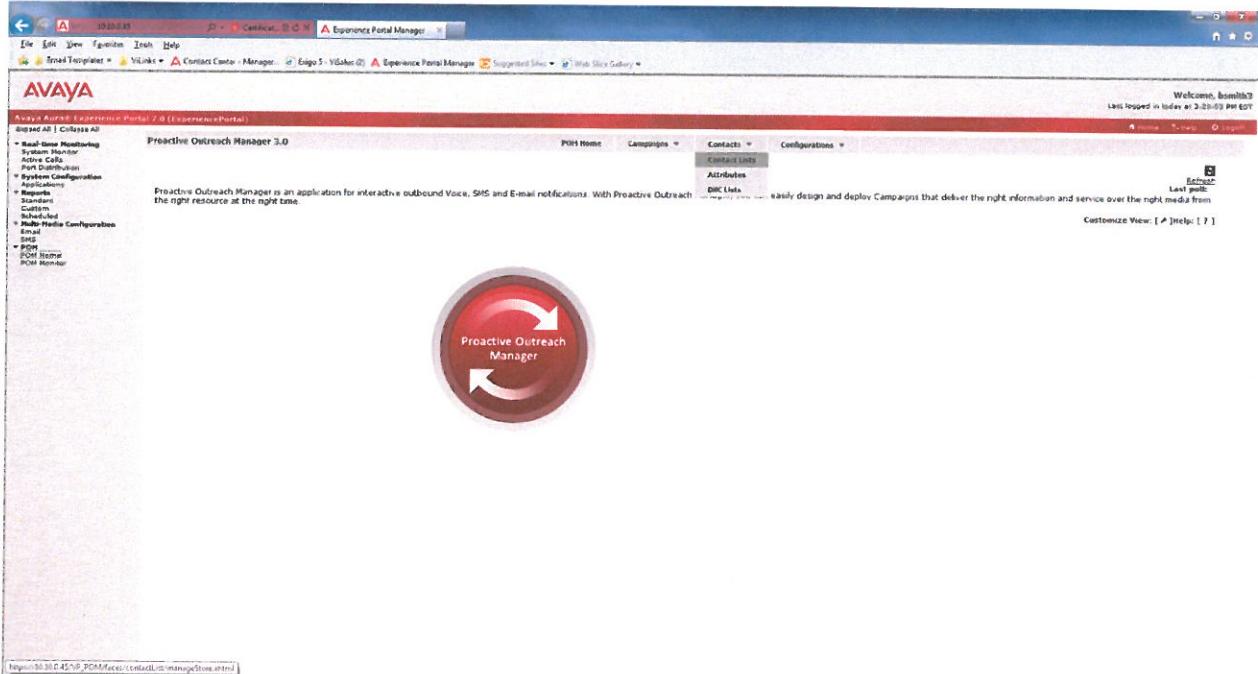


### 2) Select POM Home on the left hand side of the screen



### 3) Hit the down arrow in the Contacts tab at the top middle of the screen and select contacts.

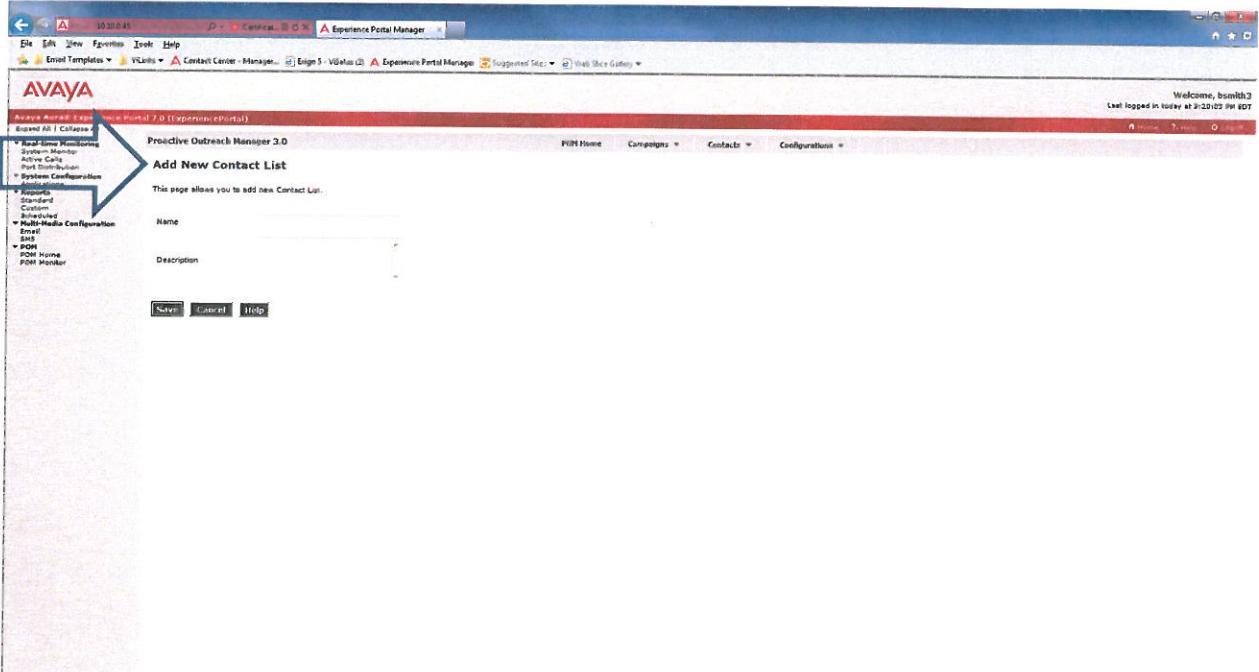




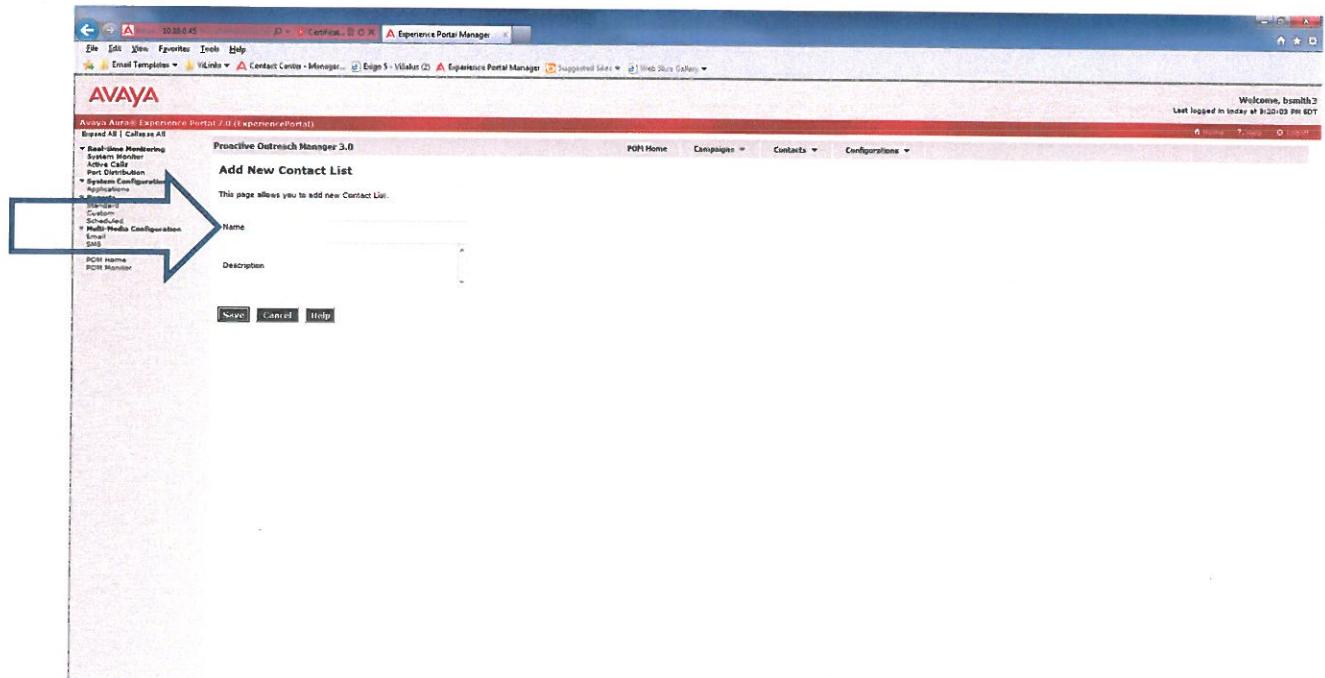
4) Click add at the bottom of the screen

Contact List Name	Total Contacts	Last Updated	Actions
testContact	1	09/04/2014 03:29:54 PM	
AnnounceContact	4	06/20/2014 04:13:34 AM	
test3	10	09/11/2014 11:39:32 AM	
GPT Alert List	6	06/05/2014 06:48:14 AM	
Callers	0	08/13/2014 09:49:42 AM	
Name_Announcement	5	06/14/2014 07:27:10 AM	
idm_0_8001	431	06/15/2014 01:44:55 PM	
GC83	375	06/15/2014 01:44:55 PM	
GC83	20	06/20/2014 10:57:42 AM	
GC84	197	08/26/2014 01:36:20 PM	
AugustAnnounced	0	09/03/2014 04:59:04 PM	
PACOTESTEMP	0	09/03/2014 03:25:24 PM	
WtahTest2014	1860	09/02/2014 03:39:33 PM	
WtahTest2014	7	09/11/2014 11:51:57 AM	
WtahTest	0	09/18/2014 02:49:00 PM	
WtahTest100	101	09/18/2014 02:49:39 PM	
WtahTest1100	0	09/19/2014 01:58:13 PM	
WtahTest11000	938	09/19/2014 05:00:54 PM	
WtahTest110000	9052	09/10/2014 05:13:41 PM	
WtahTest1100000	4798	09/18/2014 05:44:10 PM	
WtahTest11000000	19019	09/10/2014 06:01:47 PM	
WtahTest110000000	36681	09/17/2014 12:11:47 PM	
GC87	114	09/16/2014 10:31:58 AM	
WtahTest120_100	72747	09/13/2014 10:45:22 AM	
Debounce_50	8471	09/12/2014 03:12:30 PM	
Debounce_100	2039	09/12/2014 03:39:58 PM	
SCRM_09_10_2014	192	09/14/2014 12:00:15 PM	
Marketing_Campaign_3	31	09/19/2014 09:26:17 AM	
MSKAnalytics_Script3	2393	09/19/2014 11:09:49 AM	
GW10_9_10_2014	24	09/22/2014 10:08:59 AM	

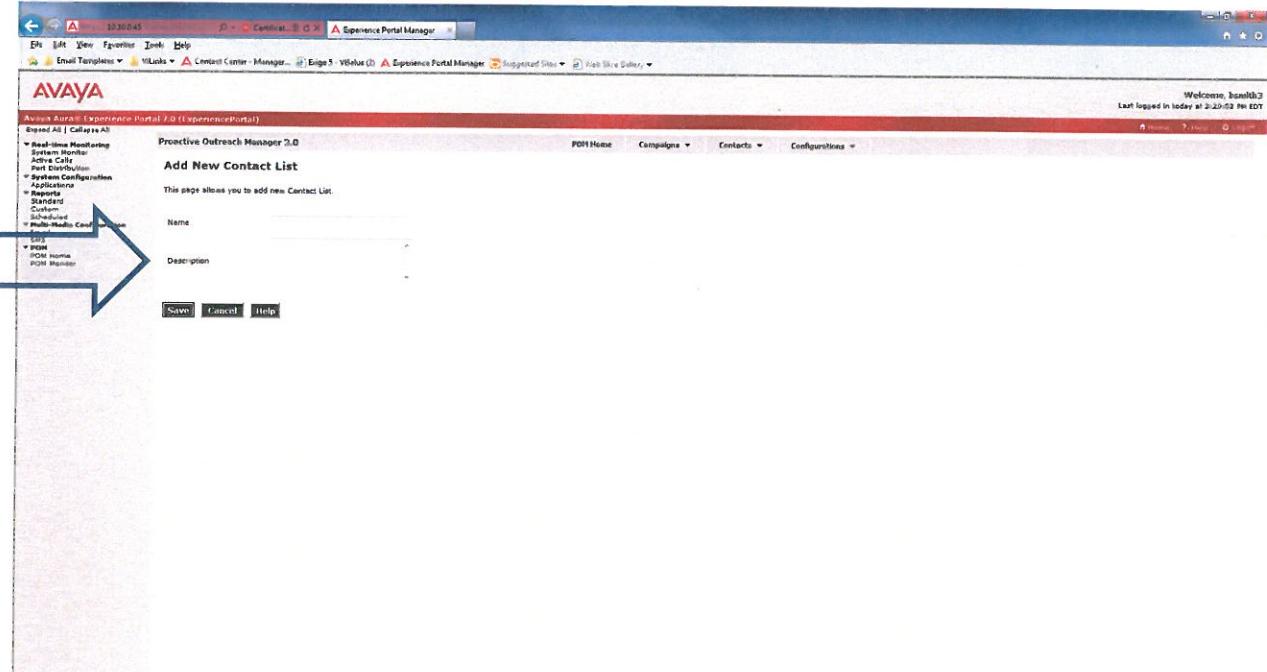
5) Add New Contact List screen appears.



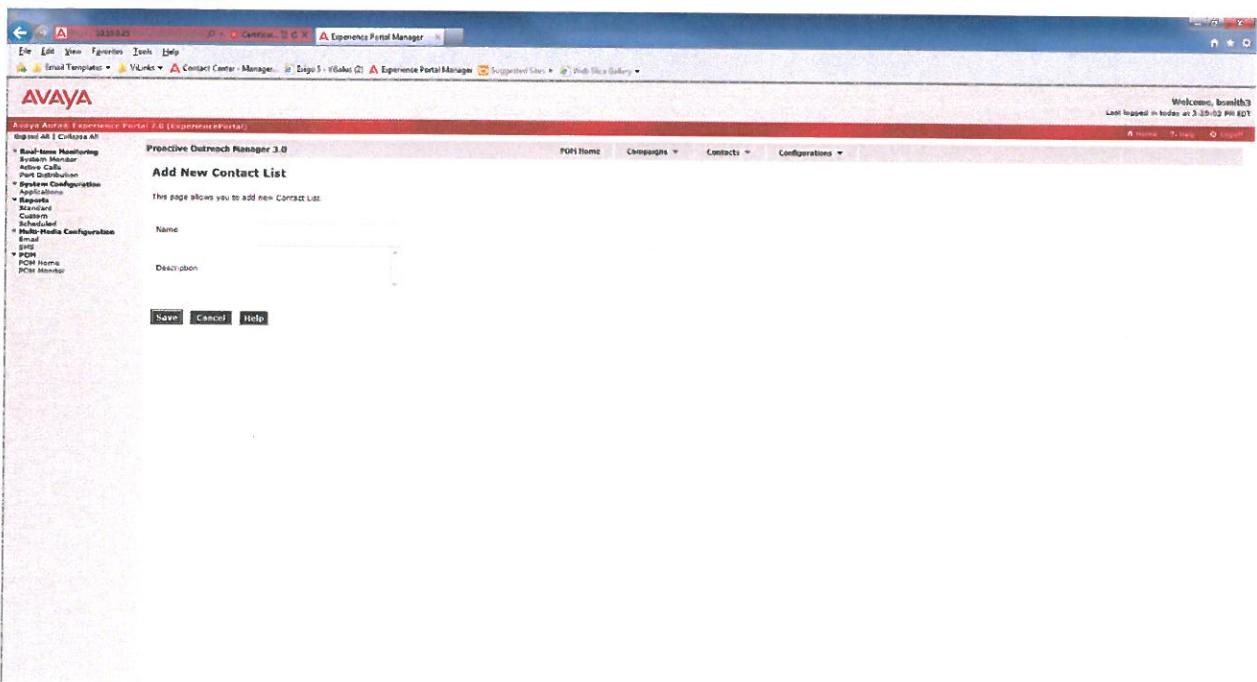
6) Name your contact list



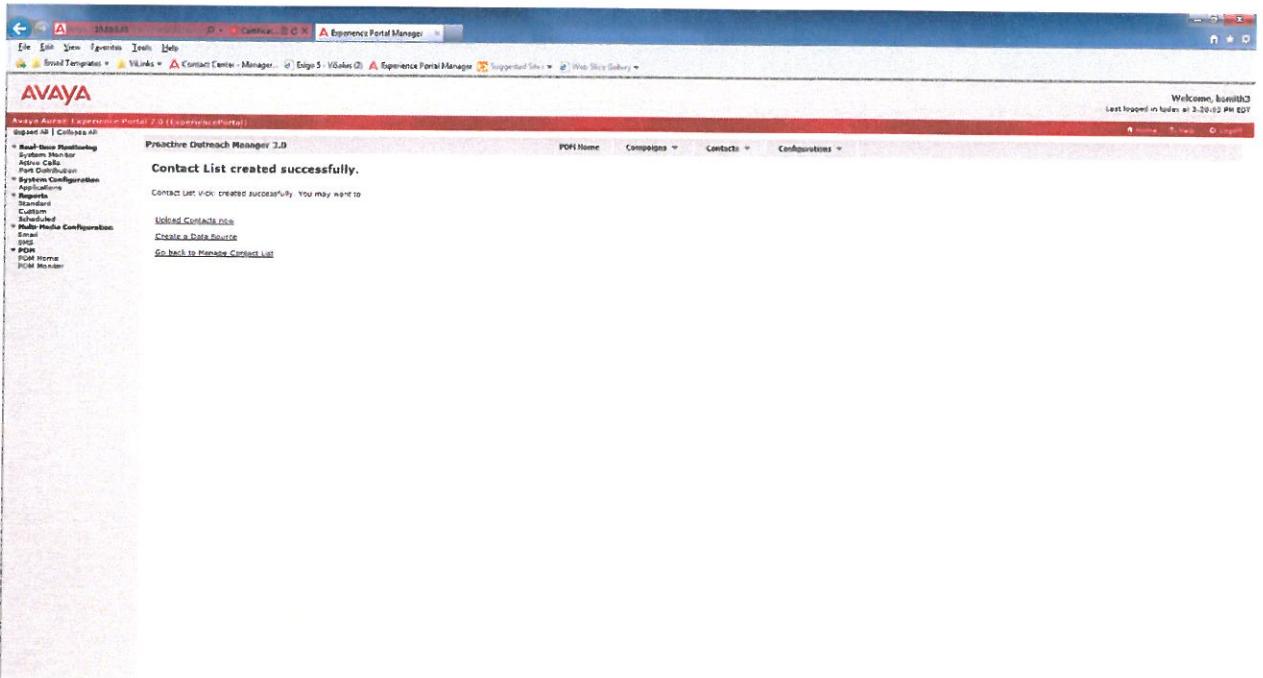
7) Give your list a description



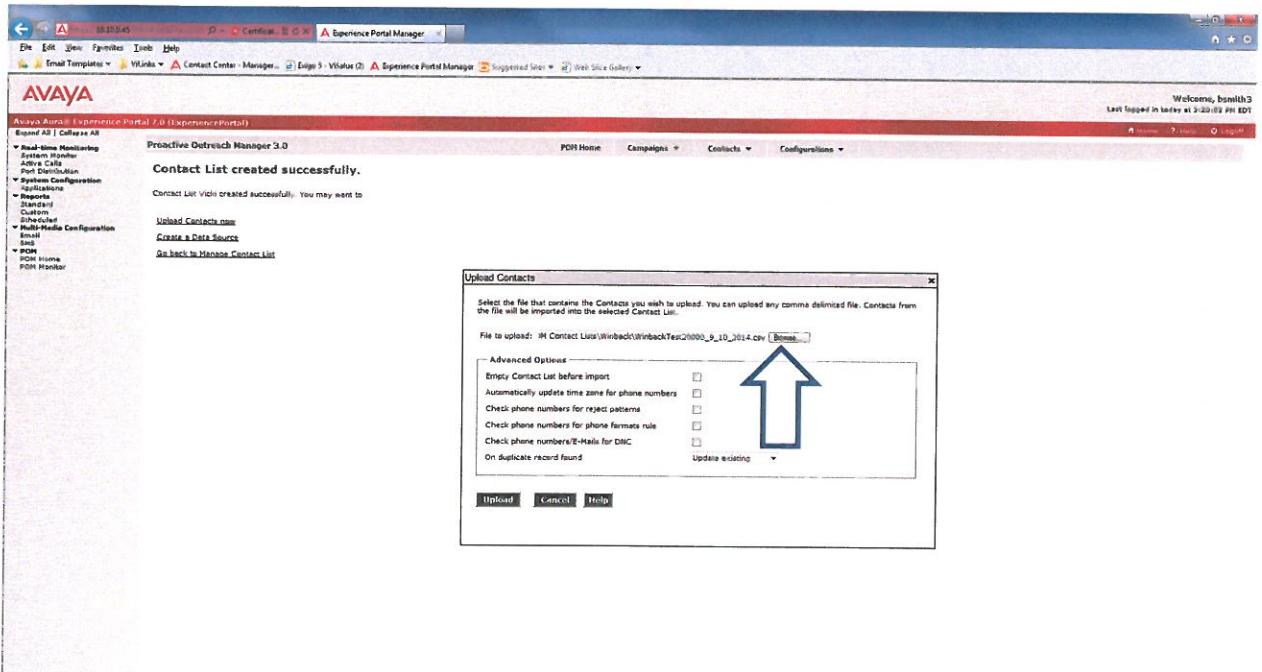
8) Click the Save tab



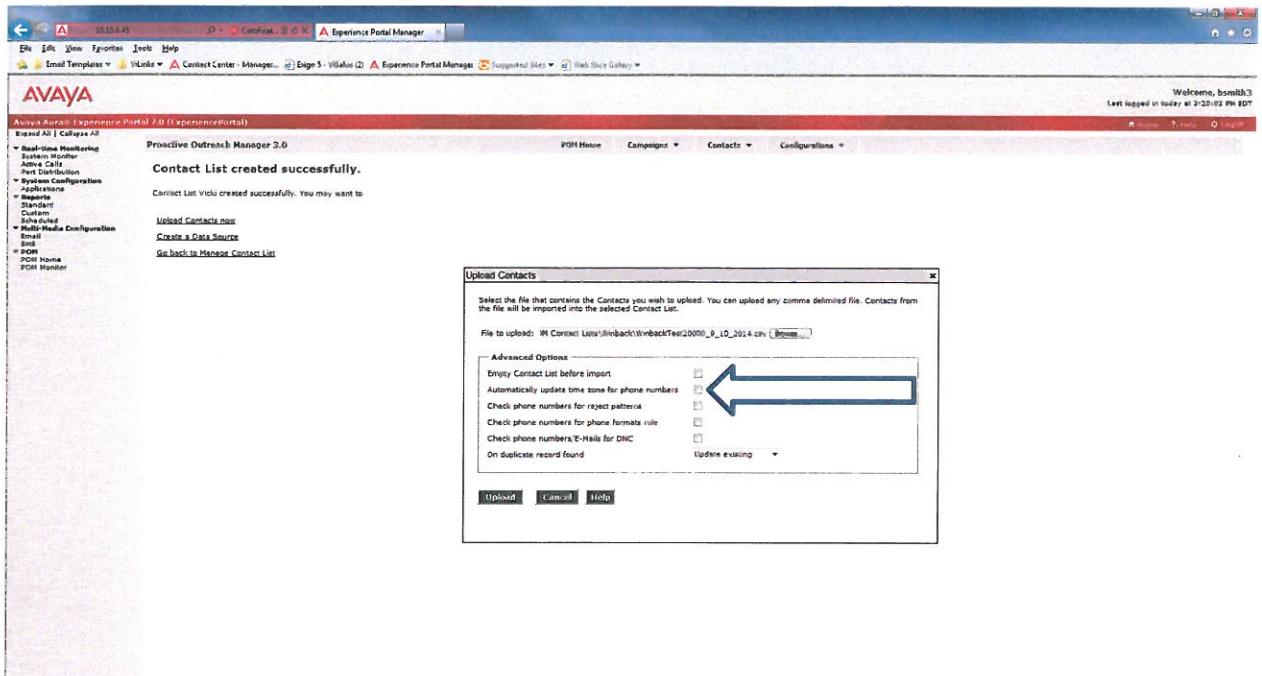
9) After clicking Save you will be brought to this screen to upload contacts now. Click Upload Contacts Now



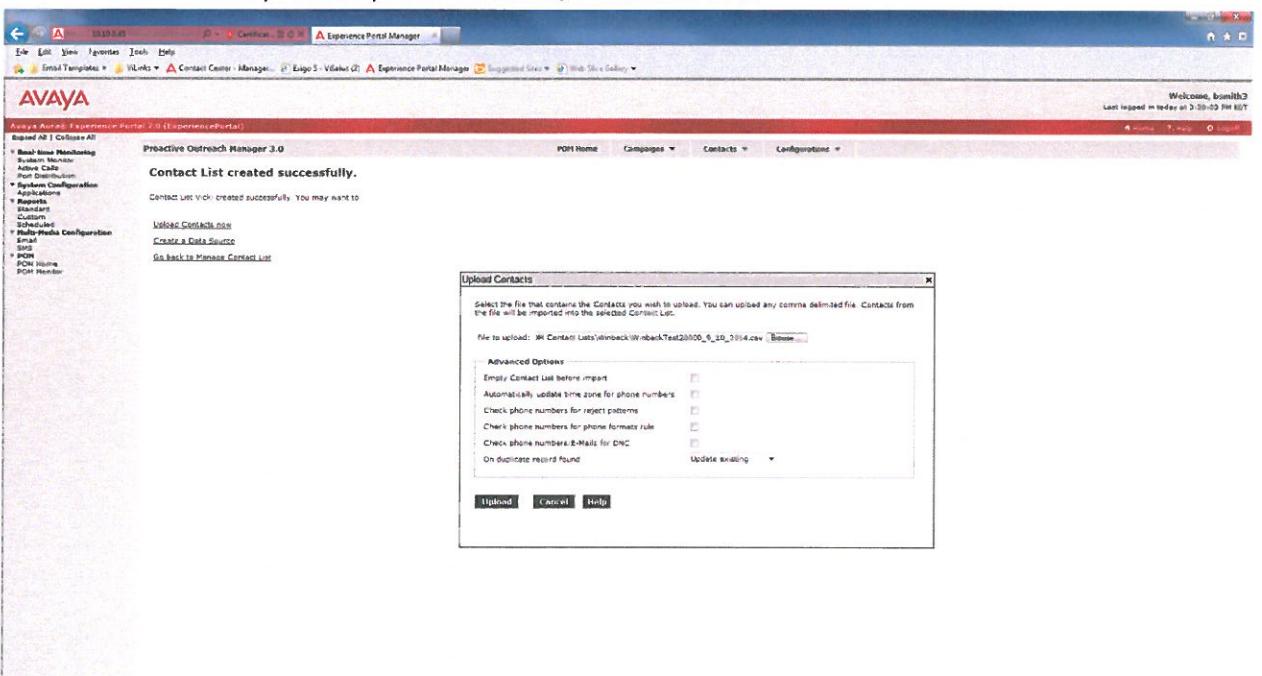
10) Click Browse and select your contact list from the V drive



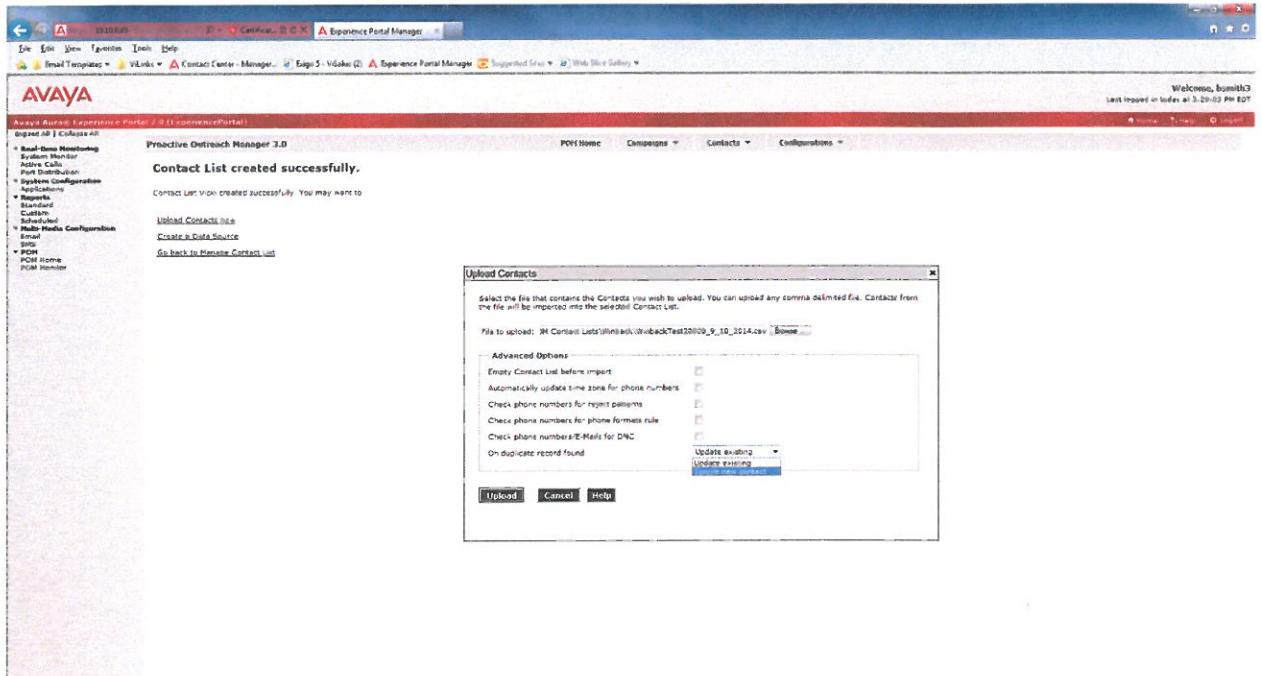
11) Check the box that says Automatically update time zone for phone numbers



12) Check the box that says Check phone numbers/E-Mails for DNC



13) Select Ignore new contacts and then upload



14) On the Contact Lists screen you will see that your list is In Progress of being uploaded.

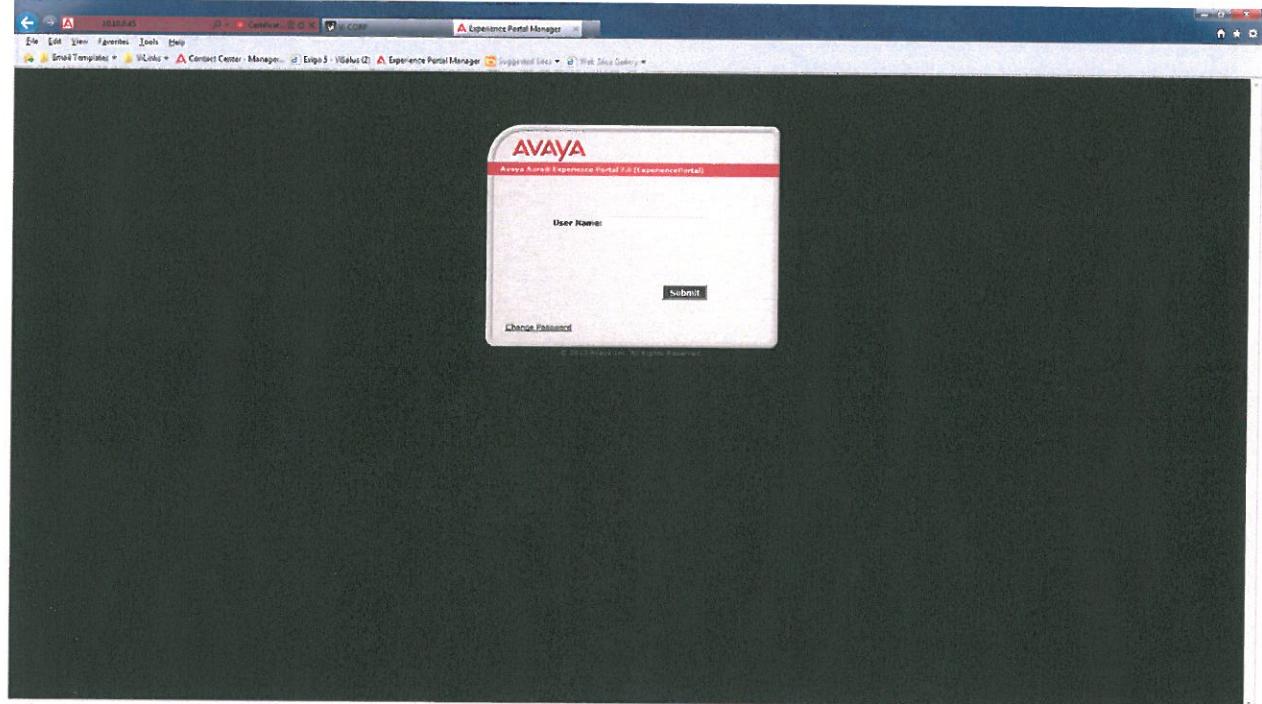
Contact Lists					
	Contact List Name	Total Contacts	Last Updated	Actions	
Erased All   Create All	Healthcare	1	07/03/2014 01:34:12 PM		
Real-Time Monitoring	TestContactList	10460	09/04/2014 01:58:24 AM		
System Monitor	Admire_10_10_2014	4	09/04/2014 01:58:34 AM		
Port Distribution	Healthcare	10	09/11/2014 1:15:09:31 AM		
System Configuration	GCR_Agent_Set	0	08/08/2014 0:04:21:14 AM		
Reports	ColdCall	6	08/11/2014 0:04:54:27 AM		
Standard	Frome's announcement	3	08/14/2014 0:15:51:01 AM		
Custom	German_Birth	431	08/14/2014 0:03:02:27 PM		
Mobile	GCR1	377	08/15/2014 0:14:45:46 PM		
Multi-Media Configuration	GCR2	22	08/16/2014 1:21:08:53 PM		
Email	AUSGECL13	13056	08/20/2014 0:16:00 AM		
SMS	AUSGECL19_2	11570	08/20/2014 0:16:48 PM		
POIM	GCR3	50	08/21/2014 0:19:08 AM		
POIM Home	GCR5	20	08/22/2014 10:07:42 AM		
PCM Monitor	GCR6	197	08/28/2014 0:16:51:20 PM		
	AdmireHealthcare	0	09/03/2014 0:10:53:24 PM		
	FAZGOTTESTING	0	09/03/2014 0:10:53:24 PM		
	Winkcheck_10_10	1860	09/03/2014 0:11:12:23 PM		
	Winkcheck_30_100	7	09/11/2014 1:15:41:57 AM		
	Winkcheck_100_100	0	09/12/2014 0:24:40:00 PM		
	Winkcheck_121_100	109	09/13/2014 0:10:11:09 PM		
	In Progress	In Progress			
	Debtors_1_10_2014	0	09/13/2014 0:15:58:15 PM		
	WinkcheckTest2000	938	09/18/2014 0:09:05:54 PM		
	WinkcheckTest2000_9_10_2014	9052	09/19/2014 0:11:04:01 PM		
	Winkcheck5000_9_10_2014	4798	09/19/2014 0:14:41:10 PM		
	WinkcheckTest2000_9_10_2014	19039	09/19/2014 0:16:01:47 PM		
	Winkcheck5000_9_10_2014	38661	09/17/2014 12:11:47 PM		
	GCR7	11	09/18/2014 0:14:41:10 PM		
	WinkcheckTest70_10_100	72207	09/19/2014 1:16:45:21 AM		
	Debtors_20	8471	09/12/2014 0:11:22:00 PM		
	Debtors_100	2035	09/12/2014 0:10:31:35 PM		
	GCR8_9_10_2014	192	09/14/2014 11:00:15 PM		
	German_Cell_Birth_9	51	09/19/2014 0:03:17 AM		
	45Debtors_Sett51	3385	09/22/2014 10:01:05 AM		
	GCR9_9_10_2014	24	09/22/2014 10:08:39 AM		

\* In Progress means Contains are being imported into a Contact List. Total Contacts count is updated after completion of import activity.

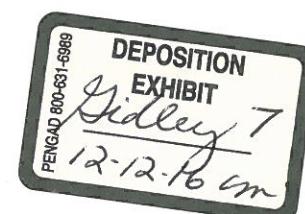
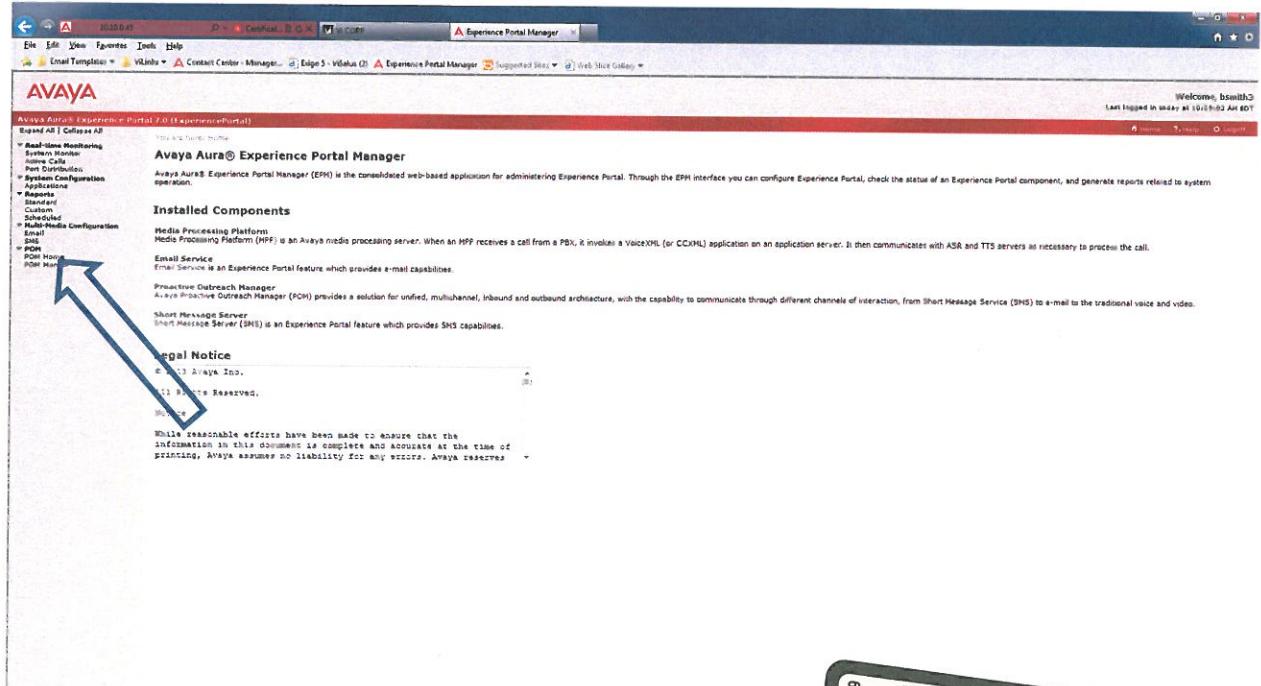
[Add](#) [Help](#)

## How to Start a campaign with the correct Contact List

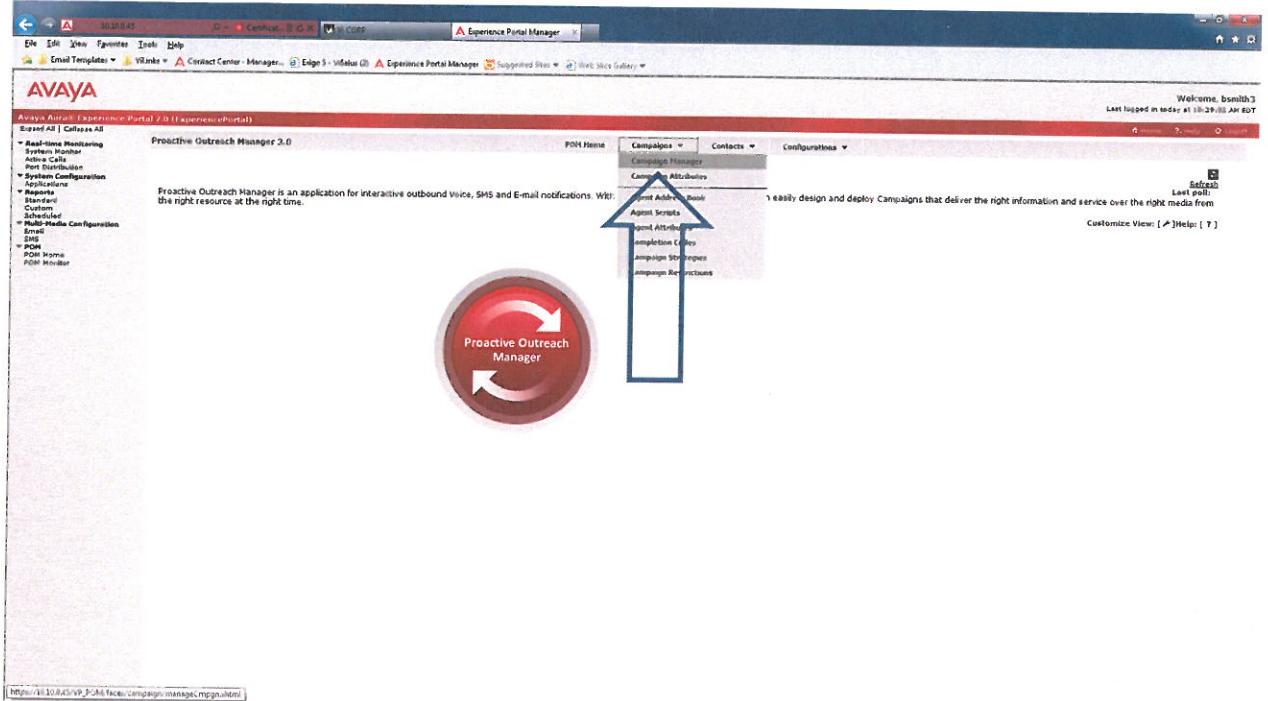
## 1) Log In To POM



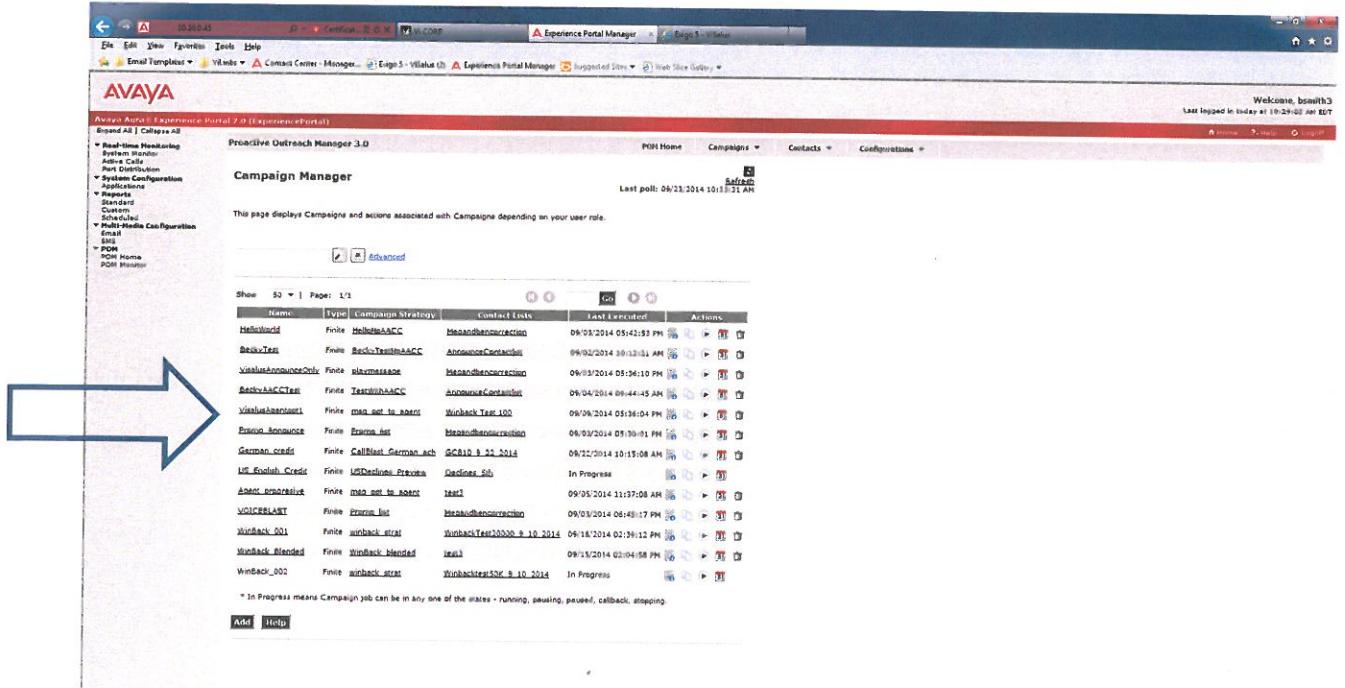
2) Click on Home on the Left Side of the screen



### 3) Select Campaign Manager



4) Find the correct campaign name



5) Make sure the correct contact list is loaded

Avaya Aura® Experience Portal 7.0 (Experience Portal)

Proactive Outreach Manager 3.0

Campaign Manager

Last poll: 09/23/2014 10:38:31 AM

Name	Type	Campaign Strategy	Contact Lists	Last Executed	Actions
Healthcare	Finite	HealthCareACC	HealthCareCorrection	09/03/2014 05:42:53 PM	[Icons]
RebkyTest	Finite	RebkyTeam02ACC	AnonymousCorrection	09/03/2014 10:12:12 AM	[Icons]
ValueAnnounceOnly	Finite	playmessage	HealthCareCorrection	09/03/2014 05:38:10 PM	[Icons]
RebkyAACCTest	Finite	Team02ACC	AnonymousCorrection	09/05/2014 09:44:47 AM	[Icons]
ValueAnnounce1	Finite	max_not_to_answer	Winback_Test_100	09/09/2014 05:16:04 PM	[Icons]
Promo_Announce	Finite	promo_list	HealthCareCorrection	09/09/2014 05:39:01 PM	[Icons]
German_credit	Finite	CallBlaster_German.acc	GC010_9_11_2014	09/12/2014 19:15:08 AM	[Icons]
UIC_English_Credit	Finite	UICCreditList	Debtors_5th	In Progress	[Icons]
Agent_regressive	Finite	max_not_to_answer	test1	09/05/2014 11:37:08 AM	[Icons]
VOICEPART	Finite	promo_list	HealthCareCorrection	09/03/2014 06:45:17 PM	[Icons]
Winback_D01	Finite	winback_star1	WinbackTest10000_9_10_2014	09/16/2014 01:39:12 PM	[Icons]
Winback_Blanded	Finite	winback_star1	test1	09/15/2014 02:04:58 PM	[Icons]
Winback_D02	Finite	winback_star1	WinbackTest500_9_10_2014	In Progress	[Icons]

\* In Progress means Campaign job can be in any one of the states - running, pausing, paused, callback, stopping.

Add Help

## 6) Click on the play button

Avaya Aura® Experience Portal 7.0 (Experience Portal)

Proactive Outreach Manager 3.0

Campaign Manager

Last poll: 09/23/2014 10:38:31 AM

Name	Type	Campaign Strategy	Contact Lists	Last Executed	Actions
Healthcare	Finite	HealthCareACC	HealthCareCorrection	09/03/2014 05:42:53 PM	[Icons]
RebkyTest	Finite	RebkyTeam02ACC	AnonymousCorrection	09/02/2014 10:12:12 AM	[Icons]
ValueAnnounceOnly	Finite	playmessage	HealthCareCorrection	09/03/2014 05:38:10 PM	[Icons]
RebkyAACCTest	Finite	Team02ACC	AnonymousCorrection	09/04/2014 09:44:47 AM	[Icons]
ValueAnnounce1	Finite	max_not_to_answer	Winback_Test_100	09/09/2014 05:16:04 PM	[Icons]
Promo_Announce	Finite	promo_list	HealthCareCorrection	09/03/2014 05:30:01 PM	[Icons]
German_credit	Finite	CallBlaster_German.acc	GC010_9_11_2014	09/12/2014 19:15:08 AM	[Icons]
UIC_English_Credit	Finite	UICCreditList	Debtors_5th	In Progress	[Icons]
Agent_regressive	Finite	max_not_to_answer	test1	09/05/2014 11:37:08 AM	[Icons]
VOICEPART	Finite	promo_list	HealthCareCorrection	09/03/2014 06:45:17 PM	[Icons]
Winback_D01	Finite	winback_star1	WinbackTest10000_9_10_2014	09/16/2014 01:39:12 PM	[Icons]
Winback_Blanded	Finite	winback_star1	test1	09/15/2014 02:04:58 PM	[Icons]
Winback_D02	Finite	winback_star1	WinbackTest500_9_10_2014	In Progress	[Icons]

\* In Progress means Campaign job can be in any one of the states - running, pausing, paused, callback, stopping.

Add Help

## 7) Click on Monitor and verify Campaign is running

Welcome, bsmith3  
Last logged in today at 10:30:03 AM EST

Avaya Avaya Experience Portal 7.0 (experienceportal)

Proactive Outreach Manager 3.0

POH Home Campaigns Contacts Configurations

Active Campaigns

Campaign Name	Campaign Type	Job ID	Status	Contact List(s)	Organization	Start Time	Total Contacts	Processed Contacts	Agents
US_English_Cr..._Init	Initiate	219	Paused	Declines_6th	06/19/2014 8:1...	8471	882	0	
WinBack_002	Initiate	222	Running	WinBackTest50...	06/17/2014 5:2...	30981	18257	7	

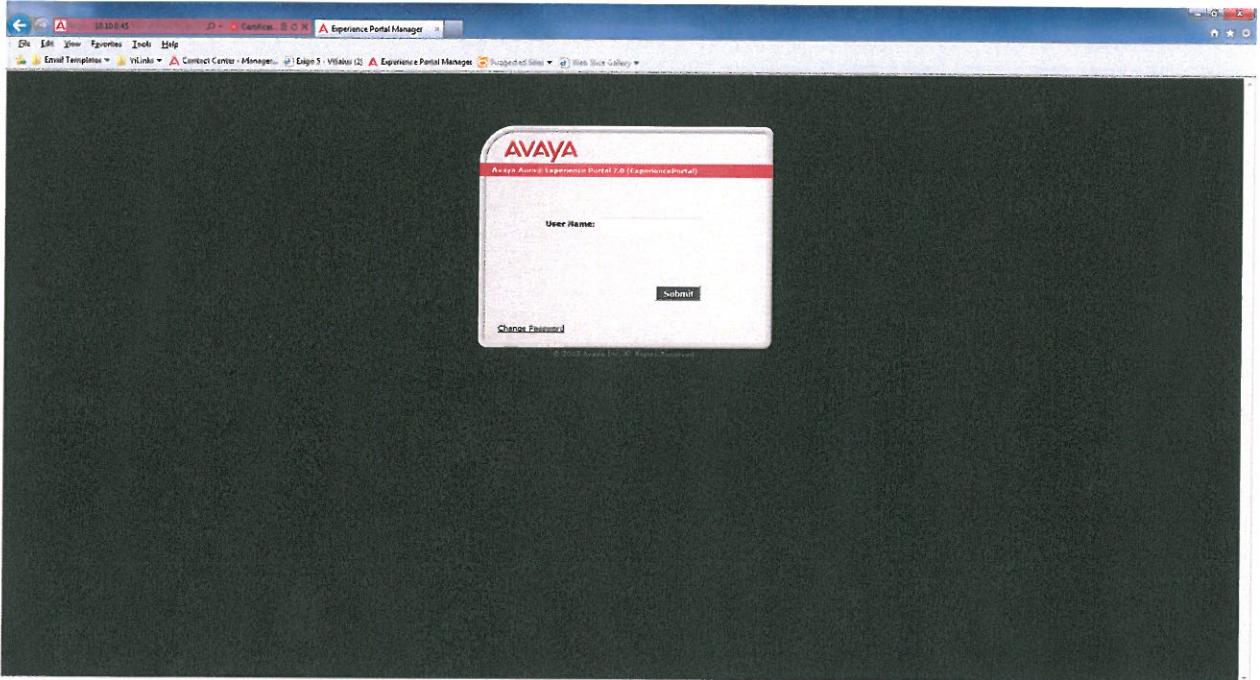
Total: 2 Running: 1 Paused: 1 Other: 0

Active Data Imports Active DNC Imports Active Agents License Summary Inbound Skills

A large blue arrow points upwards from the bottom of the page towards the navigation menu on the left.

## How to Pause, Resume and Stop a Campaign from running in POM

### 1) Log in to POM



### 2) Select Monitor on the left side of the screen

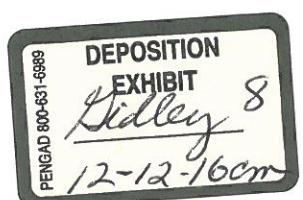
**Installed Components**

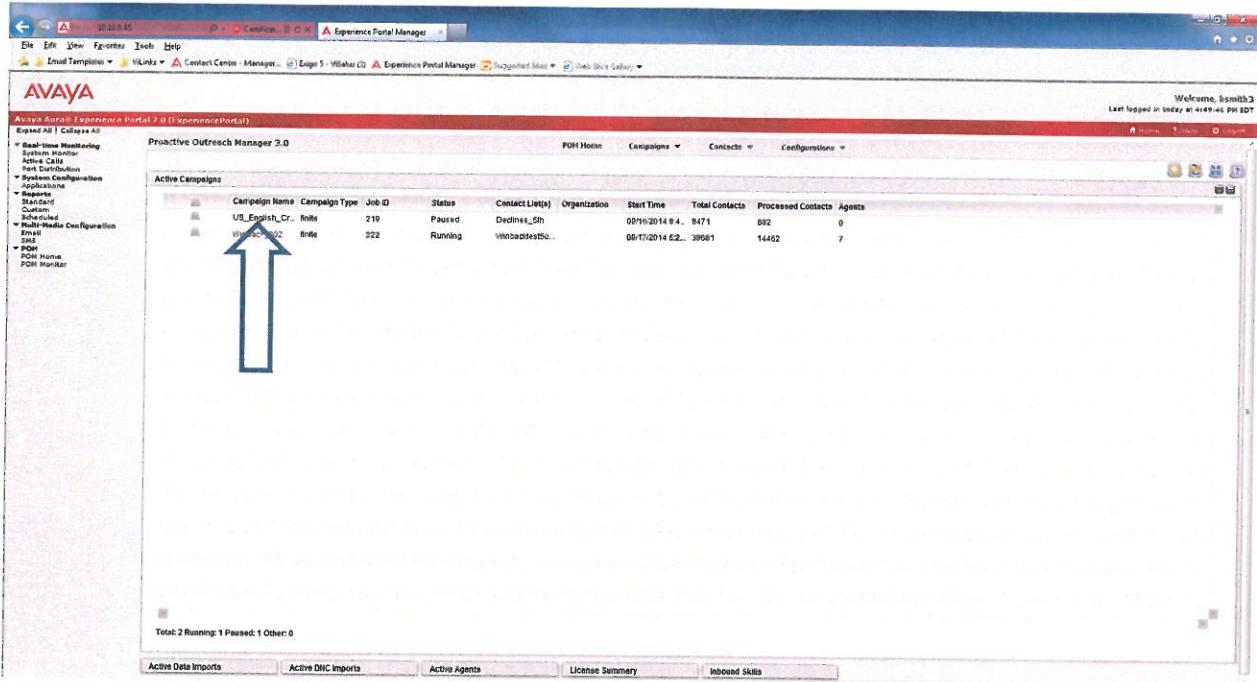
- Media Processing Platform (MPP) is an Avaya media processing server. When an MPP receives a call from a PBX, it invokes a VoiceXML (or CCXML) application in an application server. It then communicates with ASR and TTS servers as necessary to process the call.
- Email Service is an Experience Portal feature which provides e-mail capabilities.
- Proactive Outreach Manager (POM) provides a solution for unified, multichannel, inbound and outbound architecture, with the capability to communicate through different channels of interaction, from Short Message Service (SMS) to e-mail to the traditional voice and video.
- Short Message Server (SMS) is an Experience Portal feature which provides SMS capabilities.

**Legal Notice**

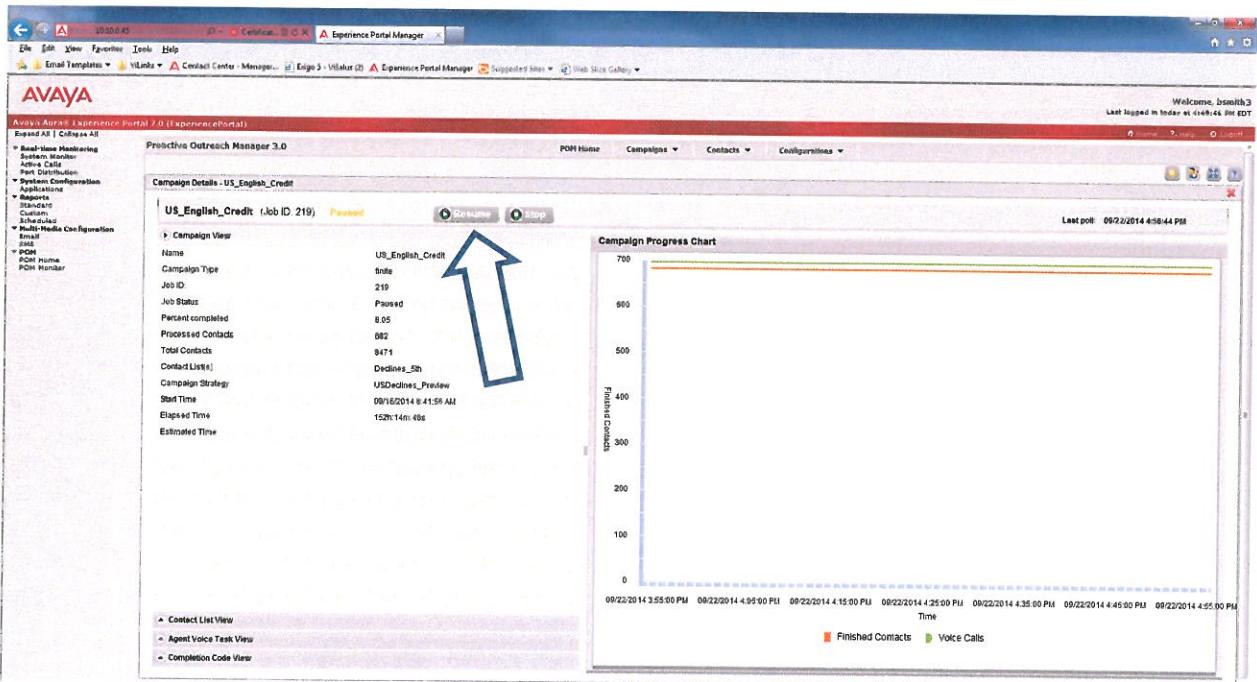
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Notice  
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### 3) If a campaign is Paused and you want to resume the campaign click the Paused Campaign

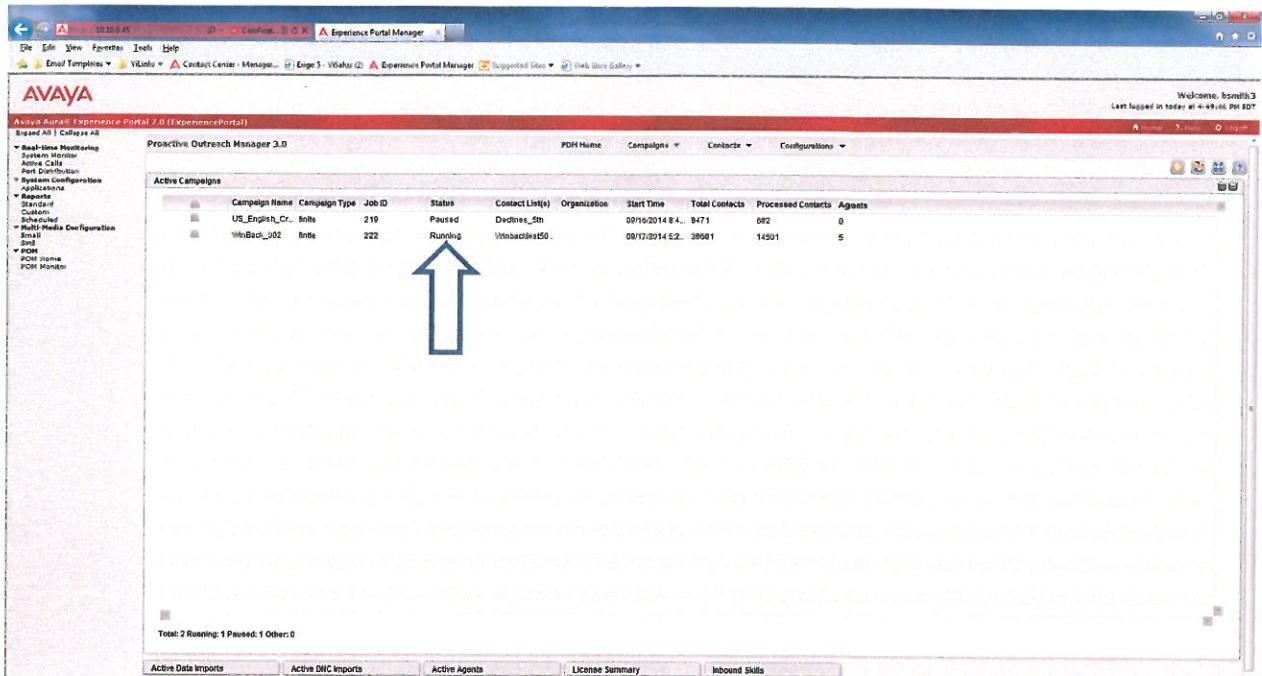




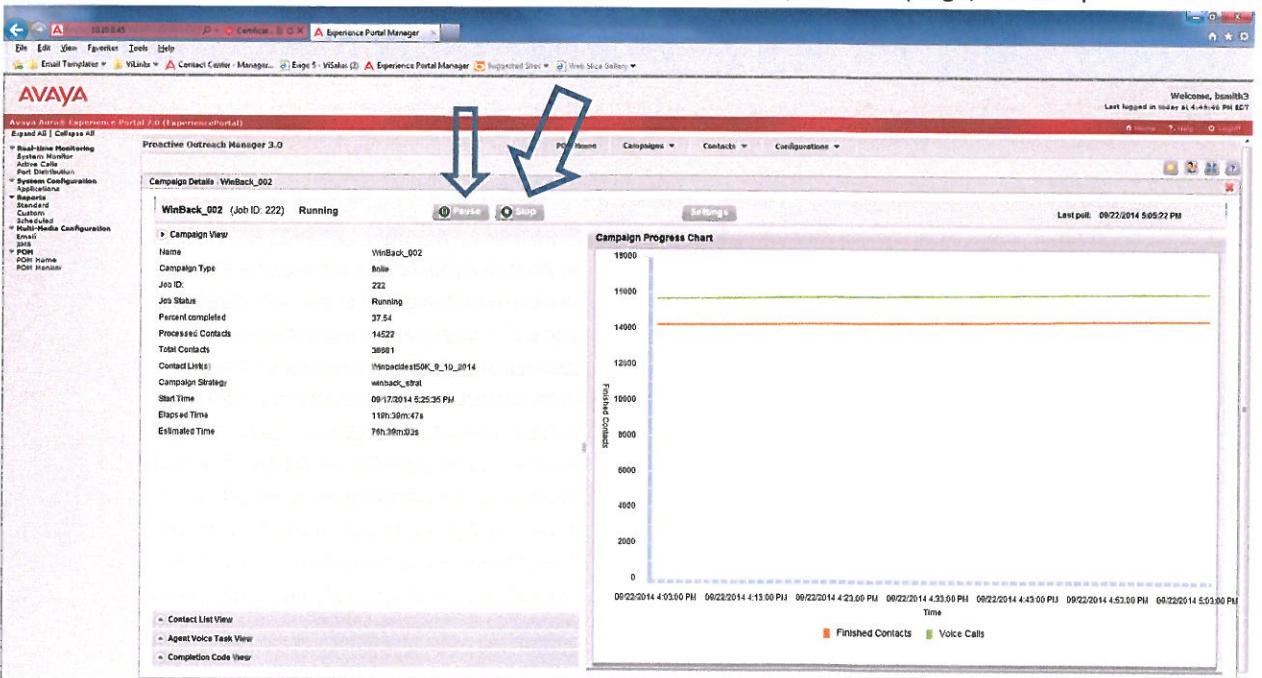
4) Select Resume and the campaign will pick up where it was paused from. Similar to pausing a song



5) If a campaign is in progress and you want to Pause or Stop it. Select a campaign that is in running status



6) If you want to pause the campaign, click Pause. If you want to stop the campaign, click Stop.



# EXHIBIT B



JUSTIN CALL Volume 1  
LORI WAKEFIELD vs VISALUS

January 20, 2017  
72

1 A. Well --

2 Q. Sorry. Go ahead.

3 A. No, go ahead. POM is not the only way to play  
4 a prerecorded message, but as far as to my awareness and  
5 any involvement, that would be what it was limited to is  
6 the POM instance of that. There's lots of different  
7 things that do prerecorded messages.

8 Q. Did Visalus use any of the other mechanisms  
9 that you've identified?

10 MS. ANCHORS: Foundation.

11 A. I mean, we -- yeah, we've done voice casting  
12 before, yes.

13 Q. (BY MR. POLLOCK) Okay.

14 A. With -- it's basically just a message saying  
15 your credit card declined, please contact us.

16 Q. When did Visalus begin using voice casting?

17 MS. ANCHORS: Foundation.

18 A. I don't know.

19 Q. (BY MR. POLLOCK) Prior to beginning to use  
20 POM?

21 A. I'm not -- I don't know. I mean, I just don't  
22 know. We used it with POM. We just called it voice  
23 casting, you know, it was with POM or with -- you know,  
24 so that's just -- that was the terminology that we used,  
25 voice casting.

JUSTIN CALL Volume 1  
LORI WAKEFIELD vs VISALUS

January 20, 2017

73

1 Q. Okay. And then the prerecorded messages  
2 whether they were sent via voice cast, POM or some  
3 other --

4 MS. ANCHORS: Form.

5 A. And voice casting, I'm saying that's what I  
6 called them with POM.

7 Q. (BY MR. POLLOCK) Got it.

8 A. Like let's send a voice cast out through POM.

9 Q. Okay. So for the messages for the voice casts,  
10 who created those messages?

11 A. I can -- I mean, the only one I can recall  
12 specifically was one that Blake -- Blake did about  
13 registering for an event. And I know we had -- I know  
14 we had one for the declined credit cards, but I don't  
15 recall who did that message.

16 Q. Are you aware of any voice casts done in  
17 conjunction with a Winback campaign?

18 A. Not that I specifically recall.

19 Q. Okay. So I want to go ahead and play an audio  
20 clip for you.

21 A. Okay.

22 Q. Let me restart that.

23 (Audio portion was played.)

24 Q. (BY MR. POLLOCK) Have you ever heard that  
25 message before?

JUSTIN CALL Volume 1  
LORI WAKEFIELD vs VISALUS

January 20, 2017  
98

1 end of 2015 when the outreach team existed?

2 A. So it was a pretty short window of time. So  
3 wanted to try everybody because we wanted -- you know,  
4 we wanted -- you don't get all the rates. Your open  
5 rates on e-mails are pretty small so you want to try to  
6 reach more people because obviously it's good for the  
7 company if people come back. And it's good for them if  
8 they can come back to do something they've purchased at  
9 full price and come back and do it half price. And we  
10 quickly realized that the old ones don't -- aren't  
11 productive, and we don't have enough people and enough  
12 manpower to hit them all anyway, so we focused on the  
13 more recent three-to-nine-month period.

14 Q. Okay. So when a campaign was started and  
15 people were receiving calls, say a Winback campaign, do  
16 you have any understanding as to what the first thing  
17 that the call recipient would hear would be?

18 A. I don't.

19 Q. Okay. Do you know what a Press One campaign  
20 is?

21 A. Yes.

22 Q. What is a Press One campaign?

23 A. It's -- if you Press One to be connected to a  
24 live person now.

25 Q. Is that typically how Winback campaigns were

JUSTIN CALL Volume 1  
LORI WAKEFIELD vs VISALUS

January 20, 2017  
126

1 STATE OF TEXAS )

2 I, Brandy Cooper, a Certified Shorthand Reporter  
3 duly commissioned and qualified in and for the State of  
4 Texas, do hereby certify that there came before me on  
5 the 20th day of January, A.D., 2017, at 9:57 a.m., at  
6 the offices of Esquire Deposition Solutions, located at  
7 1700 Pacific Avenue, Suite 1000, in the City of Dallas,  
8 State of Texas, the following named person, to wit:  
9 JUSTIN CALL, who was by me duly cautioned and sworn to  
10 testify the truth, the whole truth and nothing but the  
11 truth, of knowledge touching and concerning the matters  
12 in controversy in this cause; and that he was thereupon  
13 carefully examined upon his oath, and his examination  
14 was reduced to writing under my supervision; that the  
15 deposition is a true record of the testimony given by  
16 the witness.

17 I further certify that the witness has requested a  
18 review pursuant to Rule 30(e)(2).

19 I further certify that I am neither attorney or  
20 counsel for, nor related to or employed by any of the  
21 parties to the action in which this deposition is taken,  
22 and further that I am not a relative or employee of any  
23 attorney or counsel employed by the parties hereto, or  
24 financially interested in the action.

25 CERTIFIED TO BY ME on this 23rd day of January,

JUSTIN CALL Volume 1  
LORI WAKEFIELD vs VISALUS

January 20, 2017  
127

1 2017.

*Brandy Cooper*

2

3

4 BRANDY COOPER, CSR  
5 Certification Expires 12-31-2018  
6 Firm Registration No. 286  
7 1700 Pacific Avenue, Suite 1000  
8 Dallas, Texas 75201  
9 (214) 257-1436

10

11

12

Taxable cost of original charged to Plaintiff:

\$ \_\_\_\_\_

13 Attorney: Mr. Pollock

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